

**REMARKS**

Claim 1 is amended to include the limitations of claim 9, which is now canceled. Independent claims 12 and 13 are similarly amended. Claims 4, 8, 9, and 16 are canceled without prejudice, and claims 5 and 10 are amended to correctly designate the claims from which they depend.

Claims 1-3, 5-7, 10-15, and 17 remain pending in the application. Reconsideration and allowance of the application is respectfully requested.

Terminal disclaimers are filed herewith in response to the double patenting rejection.

The Office Action does not establish that claims 1, 2 and 12-14 are anticipated under 35 USC §102(e) by "Pace" (U.S. Patent Publication No. 2003/0051236 to Pace et al.). The rejection is now moot, however, because claims 1, 13, and 14 are amended to clarify mapping of service nodes in a first user-selected service model to service nodes in a second user-selected service model as a function of the demand attributes of service nodes of the first service model and capacity attributes of service nodes the second service model. Furthermore, as explained below in the traversal of the rejection under 35 §103(a) over the Pace-Hauser combination, the combination neither teaches nor suggests these limitations.

The Office Action fails to establish that claims 3-11 and 15-17 are unpatentable under 35 USC §103(a) over Pace in view of "Hauser" (U.S. Patent No. 5,889,956 to Hauser et al.). The rejection is respectfully traversed because the Office Action fails to show that all the limitations are suggested by the combination and fails to provide a proper motivation for modifying the teachings of Pace with teachings of Hauser.

Claim 1 is amended to include the limitations of canceled claim 4, and the Office Action does not show that the Pace-Hauser combination suggests all the limitations of the claim. For example, claim 1 includes limitations of generating an optimized mapping of service nodes in a first user-selected service model to service nodes in a second user-selected service model as a function of the demand

attributes of service nodes of the first service model and capacity attributes of service nodes the second service model. The cited teachings of Hauser do not correspond to these claim limitations as alleged.

None of the cited teachings of either Pace or Hauser appear to suggest service node to service node mapping. Nor do the teachings appear to suggest that service nodes have both demand and capacity attributes. The cited teachings of Pace and Hauser appear to suggest distribution of application packages to target nodes (Pace) and allocation of resources to various entities (Hauser). Thus, the Pace-Hauser combination apparently teaches assignment computing needs of various entities to various hardware resources. This is not suggestive of the claimed service node to service node mapping.

The alleged motivation for combining Hauser with Pace is conclusory and improper. The alleged motivation states that "it would have been obvious ... to combine the teaching of Hauser with Pace since Pace discloses that load balancing models are well known in the art, this would motivate one of ordinary skill in the art for other methods of hierarchical resource management, eventually finding Hauser and its use of Maximum allowed values, and minimum guaranteed values (e.g. abstract)." No evidence is presented to support the alleged applicability or use of Hauser's hierarchical resource management to Pace's distribution of software and data on different network platforms. For example, no evidence is presented to indicate any deficiency or need of Pace that would be satisfied by a specific teaching of Hauser. Thus, the alleged motivation is improper.

Claim 3 depends from claim 1 and the Office Action does not show that the Pace-Hauser combination suggests all the limitations of the claim. For example, claim 3 includes further limitations of establishing one or more service-node relationships between selected pairs of the service nodes, wherein each service-node relationship has an associated transport demand attribute specifying a quantity of communication resources required for communication between the associated pair of service nodes. The cited teachings of Hauser do not correspond to these claim limitations as alleged.

The Office Action cites Hauser's FIG. 1 and relationship between programming department 22 and engineering department 16 as corresponding to these limitations. However, attempting to correspond the claim limitations to these

teachings of Hauser shows that Hauser does not suggest all the claim limitations. Specifically, Hauser's teachings in no apparent manner suggest that the programming department 22 has a quantity of communication resources required for communication between the programming department and engineering department. Hauser's FIG. 1 shows levels of a company to which bandwidth is allocated (col. 3, l. 66 – col. 4, l. 19). Hauser's programming department and hardware department are part of the logical entity of the engineering department. Since the engineering department is a logical category, there is no apparent demand for a quantity of communication from the programming department to the engineering department.

The alleged motivation for combining Hauser with Pace is improper as explained above in regard to claim 4.

Claims 5-11 and 15-17 are not shown to be unpatentable over the Pace-Hauser combination for at least the reasons set forth above.


The rejection of claims 3-11 and 15-17 over Pace should be withdrawn because the Office Action fails to show all the limitations are suggested by the combination and fails to provide a proper motivation for modifying Pace with teachings of Hauser.

Withdrawal of the rejection and reconsideration of the claims are respectfully requested in view of the remarks set forth above.

No extension of time is believed to be necessary for consideration of this response. However, if an extension of time is required, please consider this a petition for a sufficient number of months for consideration of this response. If there are any additional fees in connection with this response, please charge Deposit Account No. 50-0996 (HPCO.063PA).

Respectfully submitted,

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